

Tuesday, March 17, 2015

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Lynn Compton and Chairperson
Debbie Arnold

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON DEBBIE ARNOLD.

Consent Agenda – Review and Approval:

1-11. This is the time set for consideration of the Consent Agenda.

Chairperson Arnold: opens the floor to public comment.

Supervisor Compton and Chairperson Arnold: request Item No. 9 be pulled from the Consent Agenda for separate action.

The action taken for Consent Agenda items 1 through 8 and 10 through 11 on the following vote is indicated for each item.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Bid Opening:

1. Request to adopt plans and specifications (Clerk's File) for the New Passenger Terminal Building, at the San Luis Obispo County Regional Airport, and authorize processes for public bidding for construction services. Bid opening date will be April 16, 2015. All Districts.

Mr. Kevin Bumen – Department of General Services, Airport Services: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

2. Request to re-appoint William (Bill) Dodd to the Adelaida Public Cemetery District Public Cemetery District. District 1.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - County Fire Items:

3. Submittal of a resolution to adopt the amended and restated San Luis Obispo Regional Hazardous Materials Cooperative Agreement. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-64, adopted.

Consent Agenda - Human Resources Items:

4. Submittal of a resolution amending the Position Allocation List for Fund Center 112 - Human Resources by deleting a 1.00 FTE Supervising Administrative Clerk I Confidential position and adding a 1.00 FTE Administrative Services Officer II position. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-65, adopted.

Consent Agenda - Planning & Building Items:

5. Submittal of a resolution approving and accepting an agreement granting an Agricultural Conservation Easement for Conditional Use Permit DRC2008-00110 with W. Duane Waddell. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-66, adopted.

6. Submittal of a Defense and Indemnity Agreement with Phillips 66 Company, a Delaware Corporation, pursuant to Condition of Approval #21 associated with the approval of Coastal Development Permit DRC2008-00146 to allow an increase in crude throughput at the existing Phillips 66 oil refinery at 255 Willow Road (DRC2008-00146). District 4.

Mr. Dan Buckshi – County Administrative Officer: speaks.

Mr. Jeff Edwards; Mr. Eric Greening; and Ms. Linde Owen: speak.

The Board approves as recommended by the County Administrative Officer.

7. Submittal of a resolution approving an agreement establishing restrictions and obligations for real property adjusted by Lot Line Adjustment COAL 13-0058 with Jerry R. Taft and Glenda K. Taft. District 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-67, adopted.

Consent Agenda - Public Works Items:

8. Submittal of a resolution authorizing execution of notice of completion and acceptance for the construction of the Olde Towne Nipomo Park and Ride Lot, Nipomo. District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-68, adopted.

10. Request to approve seven committee appointments to the Water Resources Advisory Committee of the Flood Control and Water Conservation District. All Districts.

Mr. Dane Senser: speaks.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Social Services Items:

11. Request to approve Amendment 1 to the contract with Henkels & McCoy, Inc. (Clerk's File) for Fiscal Year 2014-15 Workforce Investment Act (WIA) Youth Employment and Training Services to increase the contract by \$96,700. All Districts.

The Board approves as recommended by the County Administrative Officer.

Public Works Sitting as Flood Control District:

9. Request to designate John Diodati as the Project Manager of the Paso Basin District Formation Project and affecting a temporary 15% salary increase. All Districts.

(This item was pulled from the Consent Agenda for separate action.)

Ms. Julie Tacker: speaks.

Mr. Dan Buckshi – County Administrative Officer: speaks.

The Board, acting as the San Luis Obispo County Flood Control and Water Conservation District: 1) designates John Diodati as the Project Manager of the Paso Basin District Formation Project; and 2) affects a temporary 15% salary increase on Pay Period 8 beginning March 29, 2015 and continuing through the life of the Project.

Motion by: Bruce S. Gibson
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)		x		
Compton, Lynn (Vice Chairperson)		x		
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Presentation:

12. Presentation of the new San Luis Obispo County display for the California State Capitol Museum, Hall of Counties. All Districts.

Mr. Michael Codron and Mr. Craig Christakos - SLO Leadership, Class XXI: speak.

Chairperson Arnold: opens the floor to public comment without response. **No action taken.**

Public Comment Period:

13. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Ms. Linde Owen: comments on two articles in the Telegram Tribune regarding Sunshine Week and the Los Osos Groundwater Basin.

Ms. Patricia Harris; Mr. Mike Brown - Coalition of Labor, Agriculture, and Business (COLAB); and Ms. Susan Devine: speak to a previous agenda item regarding a letter to the Federal Communication Commission supporting internet service for low-income households.

Mr. Eric Greening: addresses the upcoming Resource Management System (RMS) hearing on Tuesday, April 14, 2015.

Ms. Jeanne Blackwell: presents and discusses documentation regarding a joint hearing by the Natural Resources and Water Committee and Environmental Quality Committee on oil drilling.

Mr. David Kirk: discusses the expansion of National Marine Sanctuaries in the County.

Ms. Terri Stricklin: urges the Board send a letter in support of proposed legislation for Assembly Bill (AB) 54 and Senate Bill (SB) 67 relating to businesses in California with Americans with Disability Act (ADA) lawsuits.

Mr. Jeff Edwards: speaks to his request for the Board to assume a leadership role for the Oceano Dunes State Vehicular Recreation Area (ODSVRA).

Mr. Dane Senser: comments on the SLO Film Festival.

Ms. Linda Erwin - Concerned Citizens of Avila Beach: requests an update on the San Luis Bay Area Plan relative to the traffic assessment.

Mr. Keith Wimer – Sierra Club Chapter, Water Committee Chairperson (document); Mr. Chuck Cesena - Los Osos Sustainability Group; Mr. Richard Margetson; and Ms. Julie Tacker: discuss the need for the following matters in Los Osos to be agendized: the Basin Plan, sea water intrusion, and the Recycled Management Plan. Additionally, Mr. Cesena and Mr. Margetson comment on an article regarding Los Osos groundwater.

Mr. Gary Kirkland (handout) and Mr. Bill Pelfrey: speak to the Board’s purview and their improper conduct during meetings. Additionally, Mr. Kirkland comments on train transportation oil spills.

Mr. Ben DiFatta: comments on the Los Osos Wastewater Project (LOWWP) and an article by Friends of the Earth regarding earthquake safety at the Diablo Canyon Powerplant.

Mr. Don Bearden: addresses various concerns regarding the opening of the McDonalds in Los Osos.

On motion by Supervisor Adam Hill, seconded by Supervisor Bruce S. Gibson, to direct staff to bring back consideration of a letter to the Federal Communication Commission (FCC), is discussed.

Supervisor Gibson: questions if the letter will be worded specifically to Comcast & Time Warner, excluding any reference to other corporations, with motion maker responding yes.

The Board directs staff to bring back consideration of a letter to the FCC supporting the public benefit of affordable high-speed internet service for all low-income households.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice-Chairperson)		x		
Mecham, Frank R. (Board Member)		x		
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

The Board directs staff to come back with a letter relating to the proposed legislations for AB54 and SB67.

Motion by: Debbie Arnold
Second by: Frank R. Mecham

SUPERVISORS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

The Board directs staff to agendize a study session for the draft Los Osos Basin Plan.

Motion by: Debbie Arnold
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
-------------	------	------	---------	--------

Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Board Business:

14. Report from the Health Agency/Behavioral Health Department on the Department’s current service delivery system. All Districts.

Chairperson Arnold: opens the floor to public comment.

Mr. Murray Powell (documents); Ms. Gwen Pelfrey; Mr. Fred Russell; Mr. Bill Pelfrey (documents); Ms. Shirley Sigmund; Ms. Sophie Treder; Ms. Sue Warren; and Mr. Phil Twomen: speak.

Supervisors: address the need for a briefing on Laura’s Law, including a cost estimate, analysis, alternatives, and long-term effects.

The Board directs staff to agendize a discussion on Laura’s Law at a later date.

Motion by: Debbie Arnold

Second by: Frank R. Mecham

SUPERVISORS:	AYES:	NOES:	ABSTAIN:	RECUSE:
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice-Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Chairperson Arnold: receives and files the report and presentation on the Health Agency/Behavioral Health Department’s current services delivery system.

Hearings

15. Hearing to consider an appeal by Andre, Morris & Buttery on behalf of the appellants of the Planning Department Hearing Officer’s decision to approve a request for a Minor Use Permit / Coastal Development Permit DRC2014-00005 to establish a residential vacation rental at 1492 Valley View Lane, in the community of Los Osos. District 2.

(This item is withdrawn, per the addendum to the Agenda. All requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

Closed Session Items:

16. The Board announces they will be going into Closed Session regarding:

PENDING LITIGATION (Gov. Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Conference with Legal Counsel-Existing Litigation (Gov. Code, section 54956.9(a).) (Formally initiated) 1. ARB, Inc. v. County of San Luis Obispo; 2. Landwatch San Luis Obispo County v. Cambria Community Services District, et al.; 3. Steinbeck Vineyards #1, LLC, et al. v. County of San Luis Obispo, et al.

CONFERENCE WITH LABOR NEGOTIATOR (Government Code, section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: 4. San Luis Obispo Government Attorney’s Union; 5. SLOCEA-Trades and Crafts; 6. Deputy County Counsel’s Association; 7. Sheriffs’ Management; 8. SLOCPPOA; 9. Deputy Sheriff’s Association; 10. DAIA; 11. SLOCPMPOA; 12. SLOCEA-Public Services, Supervisors, Clerical; 13. Unrepresented Management and Confidential

Employees; and 14. ASLODS.

Chairperson Arnold: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, Assistant County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Board Business:

17. Update on the Los Osos Wastewater Project; request to approve a professional services agreement for environmental consulting services with Kevin Merk Associates, LLC, for an amount not to exceed \$435,992; and authorize the Director of Public Works to sign amendments to the Agreement in an amount not to exceed the contingency amount of \$43,599. District 2.

Chairperson Arnold: opens the floor to public comment.

Mr. Eric Greening; Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB); Mr. Jeff Edwards; Ms. Julie Tacker; Mr. John Snyder; Mr. Chuck Cesena; and Mr. Richard Margetson: speak.

The Board: 1) accepts the project update from staff; 2) approves and executes the agreement for environmental consulting services with Kevin Merk Associates, LLC, for restoration and habitat enhancement services at the Broderon site as part of the Los Osos Wastewater Project in an amount not to exceed \$435,992; and 3) authorizes the Director of Public Works to sign amendments to the agreement in an amount not to exceed the contingency amount of \$43,599.

Motion by: Bruce S. Gibson

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

18. Discussion and possible direction regarding an amendment to the Health and Sanitation Ordinance, Title 8 of the San Luis Obispo County Code relating to regulation of the exportation of groundwater. All Districts.

Chairperson Arnold: opens the floor to public comment.

Mr. Eric Greening; Mr. Greg Grewal; Ms. Margie Maddux; Ms. Cindy Steinbeck (documents); Mr. Matt Turrentine; Mr. Robert Brown; Mr. John Snyder (document); Ms. Terri Stricklin (document); Ms. Laura Mordaunt; Ms. Joy Fitzhugh – Farm Bureau; Mr. Ted Gilbert; Ms. Claudia Engle; Mr. Tom Dawson; Mr. Bill Pelfrey; Ms. Gwen Pelfrey; and Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB): speak.

On motion by Supervisor Debbie Arnold, seconded by Supervisor Frank R. Mecham, to direct staff to move this ordinance forward as quickly as possible, is discussed.

Mr. Dan Buckshi - County Administrative Officer: questions if the motion includes any modifications to the draft ordinance, with the Chairperson Arnold and Mr. Tim McNulty – Assistant County Counsel stating the direction to staff.

The Board directs staff to move forward with this ordinance as quickly as possible with the following modifications: remove the sunset clause; include a streamlined permit renewal process when a permittee demonstrates no change in circumstances; continue the provision limiting exports from either the basin or the County; add an exemption for contaminated water and include a more refined definition of contaminated water; amend the ordinance on Page 4 of 11, Section 8.95.20 Definitions, Subsection K., to add defining language that assures a GSA or JPA is not considered a

single local water agency; and on Page 7 of 11, Section 8.95.70 Findings required for export permit approval, amend No. 4 or the finding related to overlying users to read: "The proposed export will not result in well interference with wells owned or relied on by others, create a cone of depression that extends beyond the boundaries of the permittee’s land or otherwise operate to the injury of reasonable and beneficial use of the overlying groundwater users."

Motion by: Debbie Arnold
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, March 17, 2015, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

TOMMY GONG, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: March 23, 2015